

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Janice Denese Lewis,

Plaintiff,

vs.

Andrew M. Saul,¹ Commissioner of
Social Security Administration,

Defendant.

C/A No.: 1:18-2451-CMC-SVH

ORDER

This matter comes before the court on a review of the pleadings in this case. Plaintiff brought this action pursuant to 42 U.S.C. § 405(g) and § 1383(c)(3) to obtain judicial review of the final decision of the Commissioner of Social Security (“Commissioner”) denying her claim for Disability Insurance Benefits (“DIB”) and Supplemental Security Income (“SSI”). The two issues before the court are whether the Commissioner’s findings of fact are supported by substantial evidence and whether he applied the proper legal standards.

A review of the pleadings suggests the case may be subject to reversal and remand based on the ALJ’s failure to evaluate medical and other relevant evidence in accordance with applicable Social Security Rulings and

¹ Andrew M. Saul became the Commissioner of the Social Security Administration on June 17, 2019. Pursuant to Fed. R. Civ. P. 25(d), Saul is substituted for Nancy A. Berryhill.

Regulations. Therefore, the undersigned permits the Commissioner until October 16, 2019, to submit a supplemental brief:

- (1) Identifying specific examples from the ALJ's decision demonstrating her evaluation of Alfred Nelson, M.D.'s medical opinions (Tr. at 558–59, 888–89) based on the relevant factors in 20 C.F.R. §§ 404.1527(c) and 416.927(c);
- (2) Explaining how the ALJ's decision reflects her compliance with the requirement in SSR 06-03p, 2006 WL 2329939, at *6, that ALJs “evaluate all the evidence in the case record that may have a bearing on our determination or decision of disability, including decisions by other governmental or nongovernmental agencies”; and
- (3) Identifying specific examples from the ALJ's decision reflecting her evaluation of Plaintiff's subjective complaints of pain in accordance with 20 C.F.R. §§ 404.1529(c)(3) and 416.929(c)(3), SSR 16-3p, and the Fourth Circuit's decision in *Lewis v. Berryhill*, 858 F.3d 858 (4th Cir. 2017).

The parties are hereby advised that the undersigned intends to schedule the case for hearing upon review of the Commissioner's supplemental brief.

IT IS SO ORDERED.



October 2, 2019
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge